

RDMD/Planning and Development Services

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DATE: February 9, 2006

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Land Use Planning

SUBJECT: Public Hearing on Planning Application PA05-0052 for Coastal Development Permit

PROPOSAL: The applicant proposes to demolish an existing single-family dwelling and construct a new three story single-family dwelling on a 3,276 square foot beachfront lot. The proposal also includes an open swimming pool under the second and third floors of the home, and a ground level deck within County property area at the rear (beach side) of the property where encroachment permits to construct such features are typically granted.

LOCATION: The project site is located in the community of Sunset Beach, on South Pacific Avenue at the corner of (unimproved) 7th Street, between 7th and 8th Streets. The property address is 17005 South Pacific. Second Supervisorial District.

APPLICANT: Dr. and Mrs. Larry Senn

STAFF J. Alfred Swanek, Project Manager

CONTACT: Phone: (714) 796-0140 FAX: (714) 667-8344

SYNOPSIS: PDS/Land Use Services recommends Zoning Administrator approval of PA05-0052 subject to the attached Findings and recommended conditions of approval.

BACKGROUND:

The subject property is located in the unincorporated seaside community of Sunset Beach, within the Sunset Beach Specific Plan/Local Coastal Program, and has a land use designation of SBR "Sunset Beach Residential" (FP-3). The SBR District permits the construction of one or two dwellings on a building site. Residential development, whether as a rental duplex under one ownership or two condominiums, is subject to approval of a Coastal Development Permit. Specific Plan General Provision No. 14 states, without reference to the body hearing the matter, that Coastal Development Permits shall be processed per Zoning Code Section 7-9-118, and, per that text, to a hearing before the Zoning Administrator.

The subject property is a beachfront lot measuring approximately 40 feet wide by 82.5 feet deep with an area of approximately 3,276 square feet in area. The site is developed with a two-story single-family dwelling, which according to County tax records began to be built in 1929.

The applicant requests approval of a Coastal Development Permit to allow for demolition of the existing single-family dwelling and the construction of a new three-story (35-foot high) single-family dwelling

with 6,609 square feet of living area, an attached 817 sq. ft. 3-car garage, and 110 sq. ft. 2nd and 3rd floor decks. The Coastal Development Permit also includes the construction of an open pool (and/or pool/spa combination) under the second and third floors of the home, and construction of a new private (but unfenced) ground level deck (for which guard-rails are not required) within County property on the beach, where an encroachment permit is typically granted for such purposes, 36.5 feet wide by 20-feet deep. Any existing fencing that may be on County property will be removed. No screen wall on any property line appears to be proposed, and would not exceed 6 feet in height as seen from the outside of the property in any event.

The proposal is defined as an “appealable development” in the Sunset Beach LCP and approval of the proposal is appealable directly to the California Coastal Commission.

SURROUNDING LAND USE:

Direction	Sunset Beach Land Use Designation	Existing Land Use
Project Site	SBR “Sunset Beach Residential” (FP-3)	Single-family dwelling
Northwest	SBR “Sunset Beach Residential” (FP-3)	Single-family dwelling
Southeast	Unimproved 7 th Street	Major beach access point
Northeast	SBP “Sunset Beach Parking Facility”	Public parking and community open space
Southwest	SBB “Sunset Beach Beach Area” (FP-3)	Public beach

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to each property owner of record within 300 feet of the subject site, the LCP Board of Review and the California Coastal Commission. Coastal Development regulations also require mailing of the notice to the resident of a house within 100 feet of the subject site. However, the Post Office in Sunset Beach does not deliver mail directly to the homes. All U.S. Postal Service delivery is through post office boxes at the Sunset Beach Post Office. To satisfy Coastal Development requirements, a Notice of Hearing was posted at the Sunset Beach Post Office. Additionally, a Notice of Hearing was posted at the site as well as the Osborne Building. A copy of the planning application along with a copy of the proposed site plans were distributed for review and comment to County divisions and the Sunset Beach LCP Review Board. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The Sunset Beach LCP Review Board returned a comment memo dated 10/24/05 indicating they had approved the proposal.

CEQA COMPLIANCE:

Negative Declaration No. PA050052 (Exhibit 4) has been prepared for this proposal. It was posted for public review and became final on October 23, 2005. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the

required CEQA Finding. It should be noted that, based on further discussion with RDMD technical divisions, the FP-3 Floodplain Elevation Certificate will not be required now, as the text in the ND indicates. Rather, once the grading plan is submitted, after review of said plan by the Subdivision/Tract and Grading plan check staff, they will determine if the Elevation Certificate is required.

DISCUSSION/ANALYSIS:

Staff's review of the proposal determined that the proposed project relates to the site development standards of the SBR "Sunset Beach Residential" District as shown below.

STANDARD	PERMITTED	PROPOSED
Front setback Ground level/Garage 2 nd and 3 rd levels	5 feet 6 inches	5 feet 6 inches
Rear setback, all levels	0 feet	4 inches – 1 foot 6 inches
Side setback	3 feet adjacent to other lots 6 inches adjacent to streets	3 feet adjacent to other lots 6"+ adjacent to unbuilt 7 th Street
Maximum Building height	35' above centerline elevation of the adjacent street.	35' above centerline elevation of South Pacific Ave.
Rear deck	36.5 feet wide by 20 feet deep	36.5 feet wide by 20 feet deep.
Parking	2 covered spaces	3 garaged spaces

The application complies with all District site development standards. However, there is one development standard which warrants further discussion. The Sunset Beach Specific Plan IV.D.1.d.5) restricts swimming pools in excess of 1,000 gallons from being drained into the sewer system because of limited capacity. The proposed pool is estimated to contain nearly 15,000 gallons. In the past similar projects have been approved where the applicant is offered an opportunity to work with the sewer district to accept the connection of a larger pool. Attached is correspondence from the District approving this project's pool discharge, subject to the inclusion of a drainage flow restrictor device.

The Land Use Regulations of the Sunset Beach Specific Plan/Local Coastal Program for the SBB" Sunset Beach District (Section D.3.b.4) prohibits permanent above-ground structures on the beach and sand areas except for: "Temporary uses and structures accessory residential development on contiguous SBR property subject to a Coastal Development Permit and a Public Property Encroachment Permit". Decks and patios at the rear of a residential use falls into this category of temporary uses and accessory structures. A deck cannot encroach into the side yard setback extended from the SBR District regulations, which is 3 feet on the side property lines, except where the side property abuts a street, in which case it is 6 inches. A purpose of this policy is to prevent a continuous deck along the rear property line. Public Property Permits Division maintains all regulations for construction of decks, which the proposed deck

appears to fully comply with, being limited to 30 inches in height above grade, without fencing, walls, windbreaks, screening or hand-rails, and 20 feet deep.

In view of the project's conformity to the site development regulations of the SBR District of the Sunset Beach SP/LCP for homes on the beach side of South Pacific Avenue, and its consistency with recent development on the same side of the same street, staff recommends approval of the proposal.

RECOMMENDED ACTION:

PDS/Land Use Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA05-0052 for Coastal Development Permit subject to the attached Findings and recommended Conditions of Approval.

Respectfully submitted

Charles M. Shoemaker, Chief
Land Use Services

APPENDICES:

Recommended Findings

Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos
3. Site Plans
4. Negative Declaration PA050052

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the RDMD/Planning and Development Services.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.